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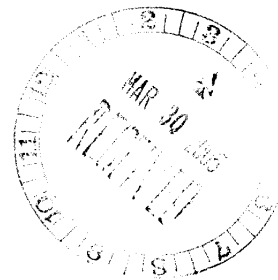
March 30, 2005

**By Hand Delivery**

The Honorable Vernon Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423

ENTERED  
Office of Proceedings

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Re: Docket No. AB-70 (Sub-No. 4X), *Florida East Coast Railway, L.L.C.—  
Abandonment Exemption—In Miami-Dade County Florida*

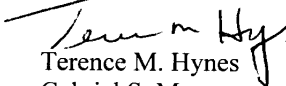
Dear Secretary Williams:

Enclosed for filing on behalf of Florida East Coast Railway, L.L.C. ("FEC") in the above-captioned matter are an original and ten (10) copies of the Combined Environmental and Historic Report prepared by FEC pursuant to 49 C.F.R. Sections 1105.7 and 1105.8. Also enclosed is a diskette containing an electronic version of the Report in PDF format. In accordance with Board regulations, FEC has served the Report upon the parties listed on the Certificate of Service attached to the Report.

FEC anticipates filing a Petition for Exemption in this matter on or after April 19, 2005.

Please acknowledge receipt of this Report for filing by date-stamping the enclosed extra copies and returning them via our messenger. If you have any questions, please contact the undersigned counsel. Thank you for your time and attention to this matter.

Sincerely,

  
Terence M. Hynes  
Gabriel S. Meyer

TMH:aat  
Enclosures  
cc: Victoria Rutson  
Marlene Hammock

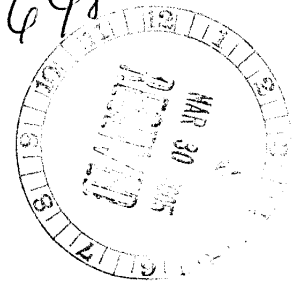
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BEFORE THE  
SURFACE TRANSPORTATION BOARD

STB Docket No. AB-70 (Sub-No. 4X)

FLORIDA EAST COAST RAILWAY, L.L.C.  
--ABANDONMENT EXEMPTION--

IN MIAMI-DADE COUNTY, FLORIDA  
(SOUTH LITTLE RIVER BRANCH LINE)



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**COMBINED ENVIRONMENTAL AND HISTORIC REPORT**

Florida East Coast Railway, L.L.C. ("FEC") is proposing to abandon a portion of its branch rail line known as the South Little River Branch ("SLR Branch") running from milepost LR 13.0 near Oleander south to an end-of-track at milepost LR 18.0 near Kendall through United States Postal Service ZIP codes 33143, 33144, 33155 and 33156, a total distance of approximately 5.0 miles within Miami-Dade County, Florida. In regard thereto, FEC submits this Combined Environmental and Historic Report in compliance with the reporting requirements of the Surface Transportation Board (the "Board") regulations at 49 C.F.R. §§1105.7 and 1105.8.

**ENVIRONMENTAL REPORT – 49 C.F.R. §1105.7(e)**

(1) **PROPOSED ACTION AND ALTERNATIVES:** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action.

FEC proposes to abandon a portion of the SLR Branch running from milepost LR 13.0 near Oleander south to end-of-track at milepost LR 18.0 near Kendall through United States Postal Service ZIP codes 33143, 33144, 33155 and 33156, a total distance of approximately 5.0 miles within Miami-Dade County, Florida. The portion of the SLR Branch from milepost LR 15.5 to milepost LR 18.0 has not been used to handle any rail traffic for more than two years.

The only active shippers who have used the portion of the SLR Branch from milepost LR 13.0 to milepost LR 15.5 during the past three years are Gulfside Supply, Inc. ("Gulfside") and Best Truss Company, Inc. ("Best Truss"). Gulfside is a roofing material distributor, whose facility is located at milepost LR 15.0. Gulfside received rail shipments of roofing materials at its facility from February 2003 until August 2004, when FEC was forced to embargo the SLR Branch due to the need to perform emergency bridge repair work at milepost LR 12.23. Gulfside's inbound rail traffic totaled 5 rail cars in 2003 and 23 rail cars in 2004. Gulfside had no outbound rail traffic. At the time of the embargo, Gulfside shifted this inbound rail traffic to truck, which it has continued to use after the lifting of the embargo in February 2005.

Best Truss manufactures and sells roof trusses and used the SLR Branch to ship lumber to its facility located at milepost LR 15.2. Best Truss' inbound rail traffic totaled 35 rail cars during 2002, 33 rail cars during 2003 and 32 rail cars during 2004, less than one rail car per week. Best Truss had no outbound rail traffic. Best Truss shifted its traffic to a rail-truck transload movement via FEC's nearby 16<sup>th</sup> Street Public Unloading Facility at the time of the August 2004 embargo. Best Truss has continued to route its traffic via this facility since the lifting of the embargo in February 2005.

No rail traffic has been moved across the SLR Branch between milepost LR 13.0 and LR 15.5 since August 2004.

There are no reasonable alternatives to the proposed abandonment. FEC intends to remove track materials, such as rail and ties, but to leave the underlying roadbed intact. FEC does not intend to perform any activities that would cause sedimentation or erosion of the soil.

A copy of FEC's system diagram map delineating the area of the proposed abandonment is attached as Attachment 1.

(2) **TRANSPORTATION SYSTEM:** Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

The proposed abandonment would not have any effect on regional or local transportation systems or patterns. The SLR Branch from milepost LR 15.5 to LR 18.0 has been out of service for over two years, and no rail service has been provided on the SLR Branch from milepost LR 13.0 to milepost LR 15.5 since August 2004. (See Paragraph 1 above).

(3) **LAND USE**

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

FEC has reviewed planning documents of the area of the proposed abandonment and believes the proposed action is consistent with all local land use plans. The Miami-Dade Department of Planning and Zoning was notified by letter dated February 25, 2005 of the proposed abandonment. See Attachment 2. As of the date of this report, the Miami-Dade Department of Planning and Zoning has not responded. FEC will provide the Board copies of any response it receives.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

The United States Department of Agriculture, Natural Resource Conservation Service, was notified of the proposed abandonment by letter dated February 25, 2005 and by letter dated March 10, 2005 concurred that the proposed abandonment would not have any effect on any prime agricultural land. See Attachment 3.

**(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9.**

The Florida Department of Environmental Protection, Water Resource Management and Florida Coastal Management Program, were notified by letters dated February 25, 2005 of the proposed abandonment. By letter dated March 2, 2005, the Florida State Clearing House staff of the Florida Department of Environmental Protection concurred that the proposed abandonment would have no effect on coastal zone management. See Attachment 4.

**(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.**

FEC believes that the portion of the SLR Branch proposed for abandonment is not suitable for purposes such as roads or highways, other forms of mass transportation, conservation or energy production or transmission, as the area is adequately served by existing roads, utilities and other infrastructure. A portion of the SLR Branch proposed to be abandoned may be suitable for use as a recreational facility.

**(4) ENERGY**

**(i) Describe the effect of the proposed action on transportation of energy resources.**

There has been no rail traffic on the SLR Branch from milepost LR 15.5 to milepost LR 18.0 for over two years, no rail traffic on the SLR Branch from milepost LR 13.0 to LR 15.5 since August 2004, and only limited rail traffic on that portion of the line for over two years prior thereto. The traffic that moved over the line consisted entirely of building materials and lumber. The proposed abandonment will have no effect on the transportation of energy resources.

**(ii) Describe the effect of the proposed action on recyclable commodities.**

There has been no rail traffic on the SLR Branch from milepost LR 15.5 to milepost LR 18.0 for over two years, no rail traffic on the SLR Branch from milepost LR 13.0 to LR 15.5 since August 2004 and only limited rail traffic on that portion of the line for over two years prior thereto. The traffic that moved over the line consisted entirely of building materials and lumber. The proposed abandonment will have no effect on recyclable commodities.

**(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.**

There has been no rail traffic on the SLR Branch from milepost LR 15.5 to milepost LR 18.0 for over two years, no rail traffic on the SLR Branch from milepost LR 13.0 to LR 15.5 since August 2004 and limited rail traffic on that portion of the line for over two years prior thereto. The proposed abandonment will not result in an increase or decrease in overall energy efficiency.

**(iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year: or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.**

There has been no rail traffic on the SLR Branch from milepost LR 15.5 to milepost LR 18.0 for over two years, no rail traffic on the SLR Branch from milepost LR 13.0 to LR 15.5 since August 2004 and limited rail traffic on that portion of the line for over two years prior thereto. The proposed abandonment will not cause diversion of rail traffic to motor carriage in excess of the above thresholds.

(5) **AIR**

(i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross ton mile annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

There has been no rail traffic on the SLR Branch from milepost LR 15.5 to milepost LR 18.0 for over two years, no rail traffic on the SLR Branch from milepost LR 13.0 to LR 15.5 since August 2004 and only limited rail traffic on that portion of the line for over two years prior thereto. The proposed abandonment will not result in any increase in rail traffic, train activity or daily yard activity.

(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) an increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, (B) an increase in rail yard activity of at least 20 percent (measured by carload activity), or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

There has been no rail traffic on the SLR Branch from milepost LR 15.5 to milepost LR 18.0 for over two years, no rail traffic on the SLR Branch from milepost LR 13.0 to LR 15.5 since August 2004 and limited rail traffic on that portion of the line for over two years prior thereto. The proposed abandonment will not result in traffic or rail yard activity increases that exceed the thresholds above.

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon is contemplated, identify: The materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety records (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

The proposed abandonment does not involve or affect the transportation of ozone depleting materials. There has been no rail traffic on the SLR Branch from milepost LR 15.5 to milepost LR 18.0 for over two years, no rail traffic on the SLR Branch from milepost LR 13.0 to LR 15.5 since August 2004 and only limited rail traffic on that portion of the line for over two years prior thereto. The traffic that moved over the line consisted entirely of building materials and lumber.

(6) **NOISE**

If any of the threshold identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more; or (ii) an increase to a noise level of 65 decibels Ldn or greater.

The thresholds identified in item (5)(i) have not and will not be surpassed.

(7) **SAFETY**

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

The proposed abandonment will have no adverse effect upon public health or safety.



(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

The proposed abandonment does not involve or affect the transportation of hazardous materials.

(iii) If there are known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

FEC's records do not indicate that there are any hazardous waste sites, or sites where there have been hazardous material spills, on the SLR Branch.

(8) **BIOLOGICAL RESOURCES**

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

The U.S. Fish and Wildlife Service and the Florida Fish and Wildlife Service were notified of the proposed abandonment by letters dated February 25, 2005. See Attachment 5. As of the date of this report, no response has been received in regard to the proposed abandonment. FEC will provide the Board copies of any response it receives.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

FEC does not believe the proposed abandonment will affect any wildlife sanctuaries or refuges, National or State parks or forests. The National Park Service, Southeast Region, the U.S. Fish and Wildlife Service and the Florida Fish and Wildlife Service were notified of the proposed abandonment by letters dated February 25, 2005. See Attachments 5 and 6. As of the date of this report no response has been received in regard to the proposed abandonment. FEC will provide the Board copies of any response it receives.

(9) **WATER**

**(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.**

The Florida Department of Environmental Protection, Water Resource Management, was notified of the proposed abandonment by letter dated February 25, 2005. See Attachment 4. As of the date of this report no response has been received. FEC will provide the Board with copies of any response it receives.

**(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.**

The U.S. Army Corps of Engineers was notified of the proposed abandonment by letter dated February 25, 2005 and by letter dated March 18, 2005 advised that the proposed abandonment is not located in navigable waters, does not require permits under Section 404 and will not involve the discharge of dredged or fill material into U.S. waters. See Attachment 7.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.

The U.S. Environmental Protection Agency and the Florida Department of Environmental Protection, Water Resource Management, were notified of the proposed abandonment by letters dated February 25, 2005. See Attachments 4 and 8. As of the date of this report no response has been received. FEC will provide the Board copies of any response it receives.

(10). **MITIGATION.**

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

There has been no rail traffic on the SLR Branch from milepost LR 15.5 to milepost LR 18.0 for over two years, no rail traffic on the SLR Branch from milepost LR 13.0 to LR 15.5 since August 2004 and limited rail traffic on that portion of the line for over two years prior thereto, which traffic was the transporting of building materials and lumber. The proposed abandonment will not have any adverse environmental impacts in the project area; therefore, mitigating action will not be necessary.

**HISTORIC REPORT – 49 C.F.R. § 1105.8(d)**

(1) **Map.** A U.S.G.S topographic map showing the location of the portion of the SLR Branch proposed to be abandoned is attached hereto as Appendix 1. There are no railroad structures on the SLR Branch that are 50 years old or older.

(2) **Description of Line.** The portion of the SLR Branch proposed to be abandoned is a branch line of FEC running from milepost LR 13.0 to milepost LR 18.0, a distance

of approximately 5 miles. The SLR Branch right-of-way varies in width from 60 feet to 130 feet, with most of the right-of-way having a width of 100 feet. The SLR Branch runs through commercial and industrial areas as well as medium and rural residential areas.

(3) **Photographs.** Not applicable. There are no railroad structures on the SLR Branch that are 50 years old or older.

(4) **Information on Structures.** Not applicable. There are no railroad structures on the SLR Branch that are 50 years old or older.

(5) **Brief History of Operations.** The portion of the right-of-way of the SLR Branch proposed to be abandoned was acquired by FEC from 1923 through 1925, with the exception of three parcels, one of which was acquired in 1929 and the other two of which were acquired in 1971. Most of the SLR Branch was constructed in 1932 and has been used by FEC primarily to serve local shippers. No traffic has moved on the portion of the SLR Branch from milepost LR 15.5 to milepost LR 18.0 for over two years and no traffic has moved on the portion of the SLR Branch from milepost LR 13.0 to milepost LR 15.5 since August 2004. No operational changes are contemplated as a result of the proposed abandonment of the SLR Branch.

(6) **Engineering Documents.** Not applicable. There are no railroad structures on the SLR Branch that are 50 years old or older.

(7) **Historic Criteria.** FEC does not believe, based on readily available information in its possession, that the SLR Branch meets the criteria for listing on the National Register of Historic Places. Further, FEC does not believe there is a likelihood of archeological resources or any other previously unknown historic properties in the project area. The Florida Department of State, Bureau of Historic Preservation was notified by letter dated February 27, 2005 of the proposed abandonment and by letter

dated March 25, 2005 advised that no historic properties are known to exist in the area of the proposed abandonment. See Appendix 2 attached hereto.

(8) **Ground Disturbances.** Based on readily available information in its possession, other than the construction of the SLR Branch line (most of which occurred in 1932), FEC does not know of any other subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources and the surrounding terrain.

**CERTIFICATE OF SERVICE**

I, Marlene Hammock, hereby certify that Florida East Coast Railway, L.L.C. has consulted with all appropriate agencies in preparing the foregoing Combined Environmental and Historic Report and that on March 29, 2005 a copy of the foregoing report was served via Federal Express, upon each of the following agencies as designated in 49 C.F.R. §1105.7(b):

Ms. Laura P. Milligan  
Coordinator, Florida State Clearinghouse  
Florida Department of Environmental Protection  
3900 Commonwealth Boulevard, MS-47  
Tallahassee, FL 32399-3000

Ms. Sally B. Mann  
Director, Office of Intergovernmental Programs  
Florida Department of Environmental Protection  
3900 Commonwealth Boulevard, MS-47  
Tallahassee, FL 32399-3000

Ms. Lynn F. Griffin  
Administrator  
Florida Coastal Management Program  
Florida Department of Environmental Protection  
Mail Station 47  
3900 Commonwealth Boulevard  
Tallahassee, FL 32399-3000

Mr. Joe Martinez  
Chairman  
Board of County Commissioners  
Miami-Dade County  
111 N.W. 1<sup>st</sup>. Street, Suite 320  
Miami, FL 33128

Mr. James I. Palmer, Jr.  
Regional Administrator, Region IV  
U.S. Environmental Protection Agency  
61 Forsyth Street, SW  
Atlanta, GA 30303-3104

Mr. Sam Hamilton  
Regional Director  
Region 4  
U.S. Fish & Wildlife Service  
1875 Century Boulevard  
Atlanta, GA 30345

Ms. Marie Burns  
Chief  
U.S. Army Corps of Engineers  
Jacksonville District, Regulatory Division  
701 San Marco Blvd.  
Jacksonville, FL 32207

Ms. Patricia A. Hooks  
Regional Director, Southeast Region  
National Park Service  
1924 Building  
100 Alabama Street, SW  
Atlanta, GA 30303

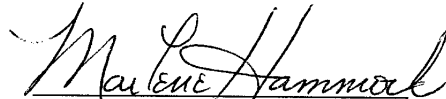
Mr. T. Niles Glasgow  
State Conservationist  
United States Department of Agriculture  
Natural Resource Conservation Service  
2614 NW 43<sup>rd</sup> Street  
Gainesville, FL 32606-6611

Mr. Richard A. Snay  
Chief, Spatial Reference System Division  
National Geodetic Survey  
1315 East West Highway, N/NGS2  
Silver Springs, MD 20910-3282

Ms. Laura A. Kammerer  
Historic Preservationist Supervisor  
Compliance & Review Section  
Bureau of Historic Preservation  
Florida Department of State  
Room 402  
500 South Bronough Street  
Tallahassee, FL 32399-0250

Ms. Mary Ann Poole  
Office of Policy and Stakeholder Coordination  
Florida Fish & Wildlife Conservation Commission  
620 South Meridian Street  
Tallahassee, FL 32399-1600

Ms. Diane O'Quinn Williams  
Director  
Miami-Dade Department of Planning and Zoning  
Stephen P. Clark Center  
111 NW 1<sup>st</sup> Street, Suite 1210  
Miami, FL 33128

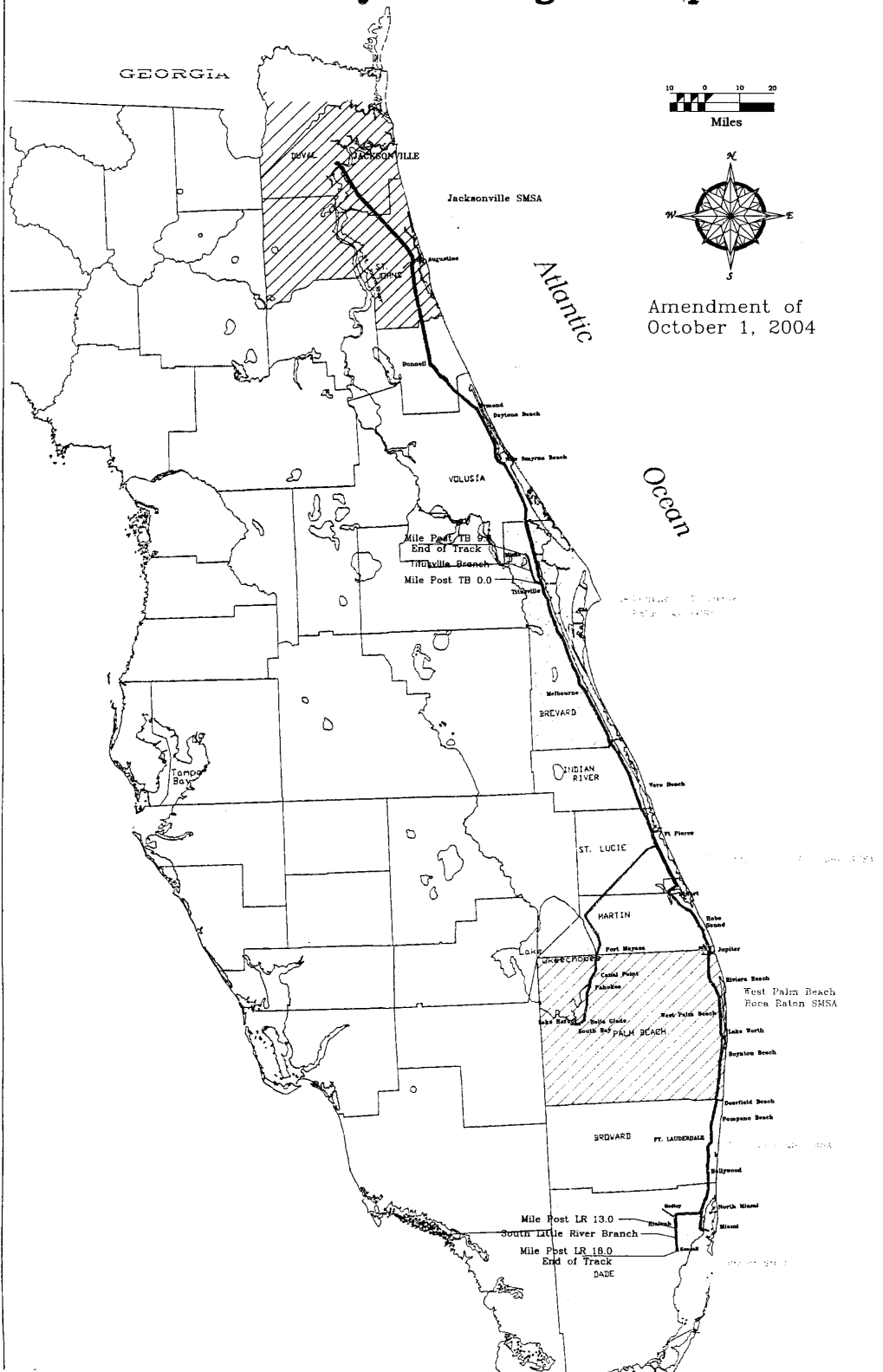
  
Marlene Hammock  
Assistant Secretary  
Florida East Coast Railway, L.L.C.

Dated: March 29, 2005

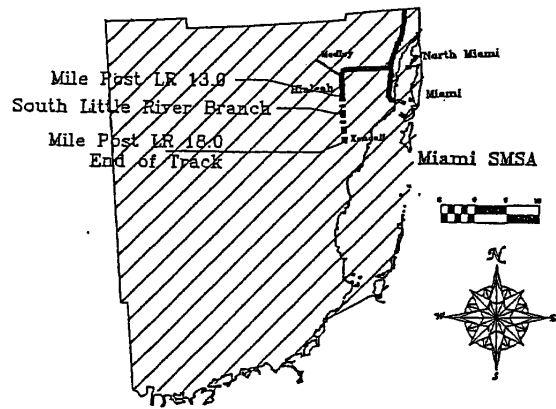


# **ATTACHMENT 1**

# Florida East Coast Railway, LLC Amended System Diagram Map



Florida East Coast Railway, LLC  
Amended System Diagram Map  
October 1, 2004



Dade County, Florida

# **ATTACHMENT 2**



February 25, 2005

Diane O'Quinn Williams  
Director  
Miami-Dade Department of Planning and Zoning  
Stephen P. Clark Center  
111 NW 1<sup>st</sup> Street, Suite 1210  
Miami, FL 33128

Re: Florida East Coast Railway, L.L.C./Abandonment Exemption

Dear Ms. O'Quinn Williams:

Florida East Coast Railway, L.L.C. ("FEC") is considering abandoning the following branch railroad line:

a portion of the South Little River Branch line extending from milepost LR-13 south to an end-of-track at milepost LR-18.00, Kendall, Dade County, Florida (the "Little River Branch"), a distance of approximately 5 miles. The portion of the Little River Branch from milepost LR-15.5 to milepost LR-18.00 has not been used to handle any rail traffic for more than two years.

A map showing the location of this branch line is attached for your reference.

The proposed abandonment of this rail line requires the prior approval of the U.S. Surface Transportation Board ("STB") pursuant to 49 U.S.C. §10903 *et seq.*, or an exemption from those provisions pursuant to 49 U.S.C. § 10502. In connection with obtaining such approval or exemption, FEC is required by 49 C.F.R. §§ 1105.7 and 1105.8 to prepare an Environmental and Historic Report that must include, *inter alia*, the following information:

"Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies." 49 C.F.R. §1105.7(e)(3)(i).

FEC believes the proposed action is consistent with existing land use plans. It is FEC's current intention to remove the track materials, such as rails and ties, but to leave the roadbed intact.

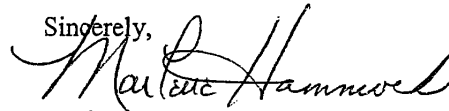
Ph: (904) 826-2398 • Fax: (904) 826-2379

One Malaga Street • P.O. Drawer 1048 • St. Augustine, FL 32085-1048

We would appreciate any comments that you might have on this matter at your earliest convenience. In accordance with the STB's regulations, a copy of the Environmental and Historic Report will be forwarded to you at least twenty (20) days before FEC's exemption request is filed with the Board.

If you have any questions, please do not hesitate to contact me at 904-826-2264.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marlene Hammock".

Marlene Hammock  
Assistant Secretary

Enc.

# **ATTACHMENT 3**



February 25, 2005

Mr. T. Niles Glasgow  
State Conservationist  
United States Department of Agriculture  
Natural Resources Conservation Service  
2614 NW 43<sup>rd</sup> Street  
Gainesville, FL 32606-6611

Re: Florida East Coast Railway, L.L.C./Abandonment Exemption

Dear Mr. Glasgow:

Florida East Coast Railway, L.L.C. ("FEC") is considering abandoning portions of two of its branch railroad lines. These lines include:

- (1) FEC's Titusville Branch line running from milepost TB 0.00 in the City of Titusville, Brevard County, Florida in a northerly then northwesterly direction to an end-of-track at milepost TB-9.8, Aurantia, Brevard County, Florida (the "Titusville Branch"), a distance of approximately 9.8 miles. The Titusville Branch has not been used to handle any rail traffic for more than two years; and
- (2) a portion of the South Little River Branch line extending from milepost LR-13 south to an end-of-track at milepost LR-18.00, Kendall, Dade County, Florida (the "Little River Branch"), a distance of approximately 5 miles. The portion of the Little River Branch from milepost L-15.5 to milepost LR-18.0 has not been used to handle any rail traffic for more than two years.

Maps showing the locations of these branch lines are attached for your reference.

The proposed abandonment of these rail lines requires the prior approval of the U.S. Surface Transportation Board ("STB") pursuant to 49 U.S.C. §10903 *et seq.*, or an exemption from those provisions pursuant to 49 U.S.C. § 10502. In connection with obtaining such approval or exemption, FEC is required by 49 C.F.R. §§ 1105.7 and 1105.8 to prepare an Environmental and Historic Report that must include, *inter alia*, the following information:



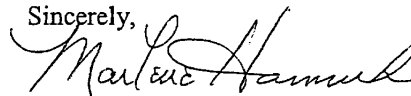
"(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land." 49 C.F.R. §1105.7(e)(3)(ii).

FEC does not believe that the proposed abandonments will have any effect on any prime agricultural land. It is FEC's current intention to remove the track materials, such as rails and ties, but to leave the roadbeds intact.

We would appreciate any comments that you might have on this matter at your earliest convenience. In accordance with the STB's regulations, a copy of the Environmental and Historic Report will be forwarded to you at least twenty (20) days before FEC's exemption request is filed with the Board.

If you have any questions or need additional information, please call me at 904-826-2264.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marlene Hammock".

Marlene Hammock  
Assistant Secretary

Enc.

United States Department of Agriculture



Natural  
Resources  
Conservation  
Service

P.O. Box 141510  
Gainesville, FL 32614  
Phone: (352) 338-9533  
<http://www.fl.nrcs.usda.gov>

2614 NW 43rd Street  
Gainesville, FL 32606  
Fax: (352) 338-9578

MARLENE HAMMOCK  
ASST. GENERAL COUNSEL

MAR 17 2005

March 10, 2005

FLORIDA EAST COAST INDUSTRIES

Ms. Marlene Hammock  
Florida East Coast Railway, L.L.C  
One Malaga Street  
PO Box 1048  
St. Augustine, FL 32085-1048

RE: Florida East Coast Railway L.L.C./Abandonment Exemption

Dear Ms. Hammock:

This is in response to your request for comments on the referenced abandonment. We concur that the proposed abandonment will not have any effect on any prime agricultural land.

If I can be of further assistance, please contact me at (352) 338-9535.

Sincerely,

Warren Henderson  
State Soil Scientist

# **ATTACHMENT 4**



February 25, 2005

Mimi Drew  
Director, Water Resource Management  
Florida Department of Environmental Protection  
Mail Station 3500  
2600 Blair Stone Road  
Tallahassee, FL 32399-3000

Re: Florida East Coast Railway, L.L.C./Abandonment Exemption

Dear Ms. Drew:

Florida East Coast Railway, L.L.C. ("FEC") is considering abandoning portions of two of its branch railroad lines. These lines include:

- (1) FEC's Titusville Branch line running from milepost TB 0.00 in the City of Titusville, Brevard County, Florida in a northerly then northwesterly direction to an end-of-track at milepost TB-9.8, Aurantia, Brevard County, Florida (the "Titusville Branch"), a distance of approximately 9.8 miles. The Titusville Branch has not been used to handle any rail traffic for more than two years; and
- (2) a portion of the South Little River Branch line extending from milepost LR-13 south to an end-of-track at milepost LR-18.00, Kendall, Dade County, Florida (the "Little River Branch"), a distance of approximately 5 miles. The portion of the Little River Branch from milepost LR-15.5 to LR 18.00 has not been used to handle any rail traffic for more than two years.

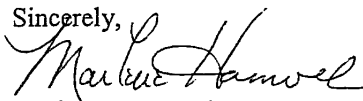
Maps showing the locations of these branch lines are attached for your reference.

The proposed abandonment of these rail lines requires the prior approval of the U.S. Surface Transportation Board ("STB") pursuant to 49 U.S.C. §10903 *et seq.*, or an exemption from those provisions pursuant to 49 U.S.C. § 10502. In connection with obtaining such approval or exemption, FEC is required by 49 C.F.R. §§ 1105.7 and 1105.8 to prepare an Environmental and Historic Report that must consider, *inter alia*, whether (based on consultation with State water quality officials) the proposed action is consistent with applicable Federal, State or local water quality standards, and whether permits under section 402 of the Clean Water Act are required for the proposed action. See 49 C.F.R. §1105.7(e)(9).

FEC believes the proposed action is consistent with applicable federal, state and local water quality standards, and that no permit is required under section 402 of the Clean Water Act. It is FEC's current intention after the abandonment to remove the track material, such as rail and ties, but to leave the roadbed intact. The crossties and/or other debris will be properly disposed of and will not be discarded along the right-of-way or placed in any bodies of water or wetlands. FEC does not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil.

We would appreciate any comments that you might have on this matter at your earliest convenience. In accordance with the STB's regulations, a copy of the Environmental and Historic Report will be forwarded to you at least twenty (20) days before FEC's exemption request is filed with the Board.

If you have any questions or need additional information, please call me at 904-826-2264.

Sincerely,  
  
Marlene Hammock  
Assistant Secretary

Enc.



February 25, 2005

Lynn F. Griffin  
Administrator  
Florida Coastal Management Program  
Florida Department of Environmental Protection  
Mail Station 47  
3900 Commonwealth Boulevard  
Tallahassee, FL 32399-3000

Re: Florida East Coast Railway, L.L.C./Abandonment Exemption

Dear Ms. Griffin :

Florida East Coast Railway, L.L.C. ("FEC") is considering abandoning portions of two of its branch railroad lines. These lines include:

- (1) FEC's Titusville Branch line running from milepost TB 0.00 in the City of Titusville, Brevard County, Florida in a northerly then northwesterly direction to an end-of-track at milepost TB-9.8, Aurantia, Brevard County, Florida (the "Titusville Branch"), a distance of approximately 9.8 miles. The Titusville Branch has not been used to handle any rail traffic for more than two years; and
- (2) a portion of the South Little River Branch line extending from milepost LR-13 south to an end-of-track at milepost LR-18.00, Kendall, Dade County, Florida (the "Little River Branch"), a distance of approximately 5 miles. The portion of the Little River Branch from milepost LR-15.5 to milepost LR-18.00 has not been used to handle any rail traffic for more than two years.

Maps showing the locations of these branch lines are attached for your reference.

The proposed abandonment of these rail lines requires the prior approval of the U.S. Surface Transportation Board ("STB") pursuant to 49 U.S.C. §10903 *et seq.*, or an exemption from those provisions pursuant to 49 U.S.C. § 10502. In connection with obtaining such approval or exemption, FEC is required by 49 C.F.R. §§ 1105.7 and 1105.8 to prepare an Environmental and Historic Report that must consider, *inter alia*, whether the proposed action affects land or water uses within a designated coastal zone. See 49 C.F.R. § 1105.7(e)(3)(iii). If the proposed abandonment would have such effects, FEC must provide the information required by 49 C.F.R. § 1509.

In regard to 49 C.F.R. § 1509, FEC does not believe that the proposed action conflicts with Florida's coastal zone management plan or requires a consistency review. It is FEC's current intention to remove the track materials, such as rails and ties, but to leave the roadbed intact. The ties and/or other debris will be properly disposed of and will not be discarded along the right-of-way or placed in any bodies of water or wetlands. FEC does not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil.

We would appreciate any comments that you might have on this matter at your earliest convenience. In accordance with the STB's regulations, a copy of the Environmental and Historic Report will be forwarded to you at least twenty (20) days before FEC's exemption request is filed with the Board.

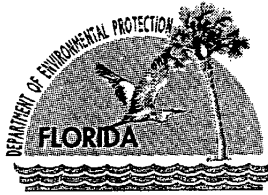
If you have any questions or need additional information, please call me at 904-826-2264.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marlene Hammock".

Marlene Hammock  
Assistant Secretary

Enc.



Jeb Bush  
Governor

## Department of Environmental Protection

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

Colleen M. Castille  
Secretary

March 2, 2005

Ms. Marlene Hammock, Assistant Secretary  
Florida East Coast Railway, LLC  
P.O. Drawer 1048  
St. Augustine, FL 32085-1048

RE: Intermodal Surface Transportation Board – Abandonment Exemption – Florida East Coast Railway, LLC, Titusville and South Little River Branch Lines – Brevard and Miami-Dade Counties, Florida.  
SAI # FL200503010509C

Dear Ms. Hammock:

Florida State Clearinghouse staff, pursuant to Presidential Executive Order 12372, Gubernatorial Executive Order 95-359, the Coastal Zone Management Act, 16 U.S.C. §§ 1451-1464, as amended, and the National Environmental Policy Act, 42 U.S.C. §§ 4321, 4331-4335, 4341-4347, as amended, has reviewed the referenced railroad line abandonment notice.

Based on the information contained in the notice, the State Clearinghouse concurs with the applicant's determination of no effect on coastal zone resources, pursuant to 15 CFR 930.35. Staff also notes the applicant's intention to comply with federal, state, and local environmental regulations. Please note that we have forwarded copies of your notice to the Florida Department of Environmental Protection/Office of Greenways and Trails, Florida Department of Transportation, and Florida Department of State/Division of Historical Resources for informational purposes.

Thank you for the opportunity to review this proposal. If you have any questions regarding this letter, please contact Ms. Lauren P. Milligan at (850) 245-2163.

Sincerely,

Sally B. Mann, Director  
Office of Intergovernmental Programs

SBM/lm

cc: Jim Wood, DEP, OGT  
Charlotte Hand, FDOT  
Scott Edwards, DOS

**MARLENE HAMMOCK**  
**ASST. GENERAL COUNSEL**

MAR 07 2005

**FLORIDA EAST COAST INDUSTRIES**

"More Protection, Less Process"

Printed on recycled paper.



# **ATTACHMENT 5**



February 25, 2005

Sam Hamilton  
Regional Director  
Region 4  
U.S. Fish & Wildlife Service  
1875 Century Boulevard  
Atlanta, Georgia 30345

Mary Ann Poole  
Office of Policy and Stakeholder Coordination  
Florida Fish & Wildlife Conservation Commission  
620 South Meridian Street  
Tallahassee, FL 32399-1600

Re: Florida East Coast Railway, L.L.C./Abandonment Exemption

Dear Mr. Hamilton and Ms. Poole:

Florida East Coast Railway, L.L.C. ("FEC") is considering abandoning portions of two of its branch railroad lines. These lines include:

- (1) FEC's Titusville Branch line running from milepost TB 0.00 in the City of Titusville, Brevard County, Florida in a northerly then northwesterly direction to an end-of-track at milepost TB-9.8, Aurantia, Brevard County, Florida (the "Titusville Branch"), a distance of approximately 9.8 miles. The Titusville Branch has not been used to handle any rail traffic for more than two years; and
- (2) a portion of the South Little River Branch line extending from milepost LR-13 south to an end-of-track at milepost LR-18.00, Kendall, Dade County, Florida (the "Little River Branch"), a distance of approximately 5 miles. The portion of the Little River Branch from milepost LR-15.5 to LR-18.00 has not been used to handle any rail traffic for more than two years.

Maps showing the locations of these branch lines are attached for your reference.

The proposed abandonment of these rail lines requires the prior approval of the U.S. Surface Transportation Board ("STB") pursuant to 49 U.S.C. §10903 *et seq.*, or an exemption from those provisions pursuant to 49 U.S.C. § 10502. In connection with

obtaining such approval or exemption, FEC is required by 49 C.F.R. §§ 1105.7 and 1105.8 to prepare an Environmental and Historic Report that must include, *inter alia*, the following information:

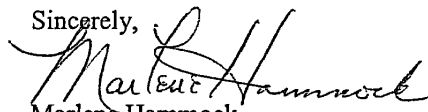
- “(i) Based on consultation with the U.S. Fish and Wildlife Service state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.”
- “(ii) State whether wildlife sanctuaries or refuge, National or State parks or forests will be affected, and describe any effects.” See 49 C.F.R. § 1105.7(e)(8).

FEC believes that the proposed abandonment is not likely to adversely affect endangered or threatened species or areas designated as a critical habitat, nor is it likely to affect wildlife sanctuaries or refuge, National or State parks or forests. It is FEC's current intention to remove the track material, such as rail and ties, but to leave the roadbed intact. The ties and/or other debris will be properly disposed of and will not be discarded along the right-of-way or placed in any bodies of water or wetlands. FEC does not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil.

We would appreciate any comments that you might have on this matter at your earliest convenience. In accordance with the STB's regulations, a copy of the Environmental and Historic Report will be forwarded to you at least twenty (20) days before FEC's exemption request is filed with the Board.

If you have any questions or need additional information, please call me at 904-826-2264.

Sincerely,

  
Marlene Hammock  
Assistant Secretary

Enc.

# **ATTACHMENT 6**



February 25, 2005

Via Federal Express

Ms. Patricia A. Hooks  
Regional Director, Southeast Region  
National Park Service  
1924 Building  
100 Alabama Street, SW  
Atlanta, GA 30303

Re: Florida East Coast Railway, L.L.C./Abandonment Exemption

Dear Ms. Hooks:

Florida East Coast Railway, L.L.C. ("FEC") is considering abandoning portions of two of its branch railroad lines. These lines include:

(1) FEC's Titusville Branch line running from milepost TB 0.00 in the City of Titusville, Brevard County, Florida in a northerly then northwesterly direction to an end-of-track at milepost TB-9.8, Aurantia, Brevard County, Florida (the "Titusville Branch"), a distance of approximately 9.8 miles. The Titusville Branch has not been used to handle any rail traffic for more than two years; and

(2) a portion of the South Little River Branch line extending from milepost LR-13 south to an end-of-track at milepost LR-18.00, Kendall, Dade County, Florida (the "Little River Branch"), a distance of approximately 5 miles. The portion of the Little River Branch from milepost LR-15.5 to LR 18.0 has not been used to handle any rail traffic for more than two years

Maps showing the locations of these branch lines are attached for your reference.

The proposed abandonment of these rail lines requires the prior approval of the U.S. Surface Transportation Board ("STB") pursuant to 49 U.S.C. §10903 *et seq.*, or an exemption from those provisions pursuant to 49 U.S.C. § 10502. In connection with obtaining such approval or exemption, FEC is required by 49 C.F.R. §§ 1105.7 and 1105.8 to prepare an Environmental and Historic Report that must include, *inter alia*, the following information:

Ph: (904) 826-2398 • Fax: (904) 826-2379

One Malana Street • P.O. Drawer 1048 • St. Augustine, FL 32085-1048

“(ii) State whether wildlife sanctuaries or refuge, National or State parks or forests will be affected [by the proposed abandonment], and describe any effects.” 49 C.F.R. § 1105.7(e)(8)(ii).

FEC does not believe that the proposed abandonment will affect any wildlife sanctuary or refuge, National or State park or forest. It is FEC's current intention after the abandonment to remove the track material, such as track and ties. FEC does not intend to disturb any of the underlying roadbeds. The ties and/or other debris will be properly disposed of and will not be discarded along the right-of-way or placed in any bodies of water or wetlands.

We would appreciate any comments that you might have on this matter at your earliest convenience. In accordance with the STB's regulations, a copy of the Environmental and Historic Report will be forwarded to you at least twenty (20) days before FEC's exemption request is filed with the Board.

If you have any questions or need additional information, please call me at 904-826-2264.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marlene Hammock".

Marlene Hammock  
Assistant Secretary

Enc.

# **ATTACHMENT 7**



February 25, 2005

Marie Burns  
Chief  
U.S. Army Corps of Engineers  
Jacksonville District, Regulatory Division  
~~2460 North Courtney Parkway, Suite 204~~ 701 San Marco Blvd  
Jacksonville, FL 32225-0019  
87

Re: Florida East Coast Railway, L.L.C./Abandonment Exemption

Dear Ms. Burns:

Florida East Coast Railway, L.L.C. ("FEC") is considering abandoning portions of two of its branch railroad lines. These lines include:

- (1) FEC's Titusville Branch line running from milepost TB 0.00 in the City of Titusville, Brevard County, Florida in a northerly then northwesterly direction to an end-of-track at milepost TB-9.8, Aurantia, Brevard County, Florida (the "Titusville Branch"), a distance of approximately 9.8 miles. The Titusville Branch has not been used to handle any rail traffic for more than two years; and
- (2) a portion of the South Little River Branch line extending from milepost LR-13 south to an end-of-track at milepost LR-18.00, Kendall, Dade County, Florida (the "Little River Branch"), a distance of approximately 5 miles. The portion of the Little River Branch from milepost LR 15.5 to milepost LR 18.00 has not been used to handle any rail traffic for more than two years.

Maps showing the locations of these branch lines are attached for your reference.

The proposed abandonment of these rail lines requires the prior approval of the U.S. Surface Transportation Board ("STB") pursuant to 49 U.S.C. §10903 *et seq.*, or an exemption from those provisions pursuant to 49 U.S.C. § 10502. In connection with obtaining such approval or exemption, FEC is required by 49 C.F.R. §§ 1105.7 and 1105.8 to prepare an Environmental and Historic Report that must include, *inter alia*, the following information:

"Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100 year flood plains will be affected. Describe the effects." 49 C.F.R. § 1105.7(e)(9)(ii).

Ph: (904) 826-2398 • Fax: (904) 826-2379

One Malena Street • PO Drawer 1048 • St. Augustine, FL 32085-1048

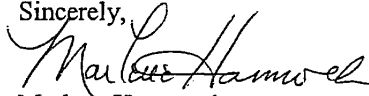


FEC does not believe that a permit under Section 404 of the Clean Water Act is required in connection with the proposed abandonment. There will be no adverse impact on designated wetlands or 100 year flood plains. It is FEC's current intention after the abandonment to remove the track material, such as rail and ties. The ties and/or other debris will be properly disposed of and will not be discarded along the right-of-way or placed in any bodies of water or wetlands. FEC does not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil.

We would appreciate any comments that you might have on this matter at your earliest convenience. In accordance with the STB's regulations, a copy of the Environmental and Historic Report will be forwarded to you at least twenty (20) days before FEC's exemption request is filed with the Board.

If you have any questions or need additional information, please call me at 904-826-2264.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marlene Hammock".

Marlene Hammock  
Assistant Secretary

Enc.



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
400 High Point DR Suite 600  
Cocoa, FL 32926

MARLENE HAMMOCK  
ASST. GENERAL COUNSEL

Regulatory Division  
North Permits Branch  
SAJ-2005-2345

MAR 24 2005

FLORIDA EAST COAST INDUSTRIES MAR 18 2005

Florida East Coast Railway, L.L.C.  
One Malaga Street  
P.O. Drawer 1048  
St. Augustine, FL 32085-1048

Dear Mrs. Marlene Hammock:

Reference is made to the application received on March 4, 2005, for a Department of the Army permit to abandon portions of two of its branch railroad lines. The work involves the removal of track material, such as rail and ties. The underlying roadbeds will not be disturbed and debris will be removed to an upland site. The railroad lines are located between milepost TB-0.00 north and the milepost TB-9.8 in Brevard County and between milepost LR-13 south to milepost LR-18 in Dade County, Florida. The application has been assigned number 05-2345.

The project as proposed will not require a Department of the Army permit in accordance with Section 10 of the Rivers and Harbors Act of 1899 as it is not located within the navigable waters of the United States. Furthermore, a permit will not be required in accordance with Section 404 of the Clean Water Act as it will not involve the discharge of dredged or fill material into waters of the United States. Provided the work is done in accordance with the enclosed drawings, Department of the Army authorization will not be required.

A U.S. Army Corps of Engineers' (Corps) "Basis for Jurisdiction" form is enclosed for your information and file. You are hereby advised that you have certain options available to you. These are outlined in the attached "Notification of Administrative Appeal Options and Process and Request for Appeal" form. It is very important that you read and understand the options provided. Should you choose to appeal the Corps' decision, your appeal should be directed to Commander, South Atlantic Division, U.S. Army Corps of Engineers, Attention: Appeals Review Officer, CESAD-CM-CO-R, Room 9M15, 60 Forsyth St., SW., Atlanta, Georgia 30303-8801.

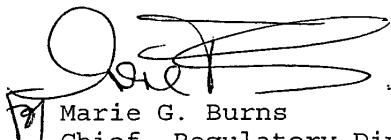
This delineation/determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work. Please be advised this determination reflects current policy and regulations and is valid for a period of no longer than 5 years from the date of this letter unless new information warrants a revision of the determination before the expiration date. If after the 5-year period, the Corps has not specifically revalidated this determination, it will automatically expire. Any reliance upon this determination beyond the expiration date may lead to possible violation of current Federal laws and/or regulation.

Additionally, your project site may contain species protected by the Endangered Species Act (ESA) of 1972, as amended. You should contact your local U.S. Fish and Wildlife Service (FWS) office to determine if Federally listed species or their habitat are present on your project site. If it is determined that Federally listed species may be affected by the proposed project, authorization for "incidental take" may be required. FWS offices can be contacted by the following telephone numbers: Jacksonville at 904-232-2580, Panama City at 850-763-2177, St. Petersburg at 727-570-5398, or Vero Beach at 772-562-3909.

This letter does not obviate the requirement to obtain any other Federal, State, or local permits that may be necessary for your project. Should you have any questions, please contact Rebecca Hodgins at the letterhead address or by telephone at 321-504-3771 ext 10.

Thank you for your cooperation with our permit program.

Sincerely,



Marie G. Burns

Chief, Regulatory Division

-3-

Enclosures

Copies furnished:  
CESAJ-RD-SS-A  
Attn: Paul Kruger

# **ATTACHMENT 8**



February 25, 2005

Mr. James I. Palmer, Jr.  
Regional Administrator, Region IV  
U.S. Environmental Protection Agency  
61 Forsyth Street, SW  
Atlanta, GA 30303-3104

Re: Florida East Coast Railway, L.L.C./Abandonment Exemption

Dear Mr. Palmer:

Florida East Coast Railway, L.L.C. ("FEC") is considering abandoning portions of two of its branch railroad lines. These lines include:

(1) FEC's Titusville Branch line running from milepost TB 0.00 in the City of Titusville, Brevard County, Florida in a northerly then northwesterly direction to an end-of-track at milepost TB-9.8, Aurantia, Brevard County, Florida (the "Titusville Branch"), a distance of approximately 9.8 miles. The Titusville Branch has not been used to handle any rail traffic for more than two years; and

(2) a portion of the South Little River Branch line extending from milepost LR-13 south to an end-of-track at milepost LR-18.00, Kendall, Dade County, Florida (the "Little River Branch"), a distance of approximately 5 miles. The portion of the Little River Branch from milepost LR 15.5 to LR 18.00 has not been used to handle any rail traffic for more than two years.

Maps showing the locations of these branch lines are attached for your reference.


The proposed abandonment of these rail lines requires the prior approval of the U.S. Surface Transportation Board ("STB") pursuant to 49 U.S.C. §10903 *et seq.*, or an exemption from those provisions pursuant to 49 U.S.C. § 10502. In connection with obtaining such approval or exemption, FEC is required by 49 C.F.R. §§ 1105.7 and 1105.8 to prepare an Environmental and Historic Report that must consider, *inter alia*, whether permits under section 402 of the Clean Water Act are required for the proposed action. 49 C.F.R. §1105.7(e)(9)(iii).

FEC does not believe that the proposed action requires a permit under section 402 of the Clean Water Act. It is FEC's current intention after the abandonment to remove the track material, such as rails and ties. The ties and/or other debris will be properly disposed of and will

not be discarded along the right-of-way or placed in any bodies of water or wetlands. FEC does not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil.

We would appreciate any comments that you might have on this matter at your earliest convenience. In accordance with the STB's regulations, a copy of the Environmental and Historic Report will be forwarded to you at least twenty (20) days before FEC's exemption request is filed with the Board.

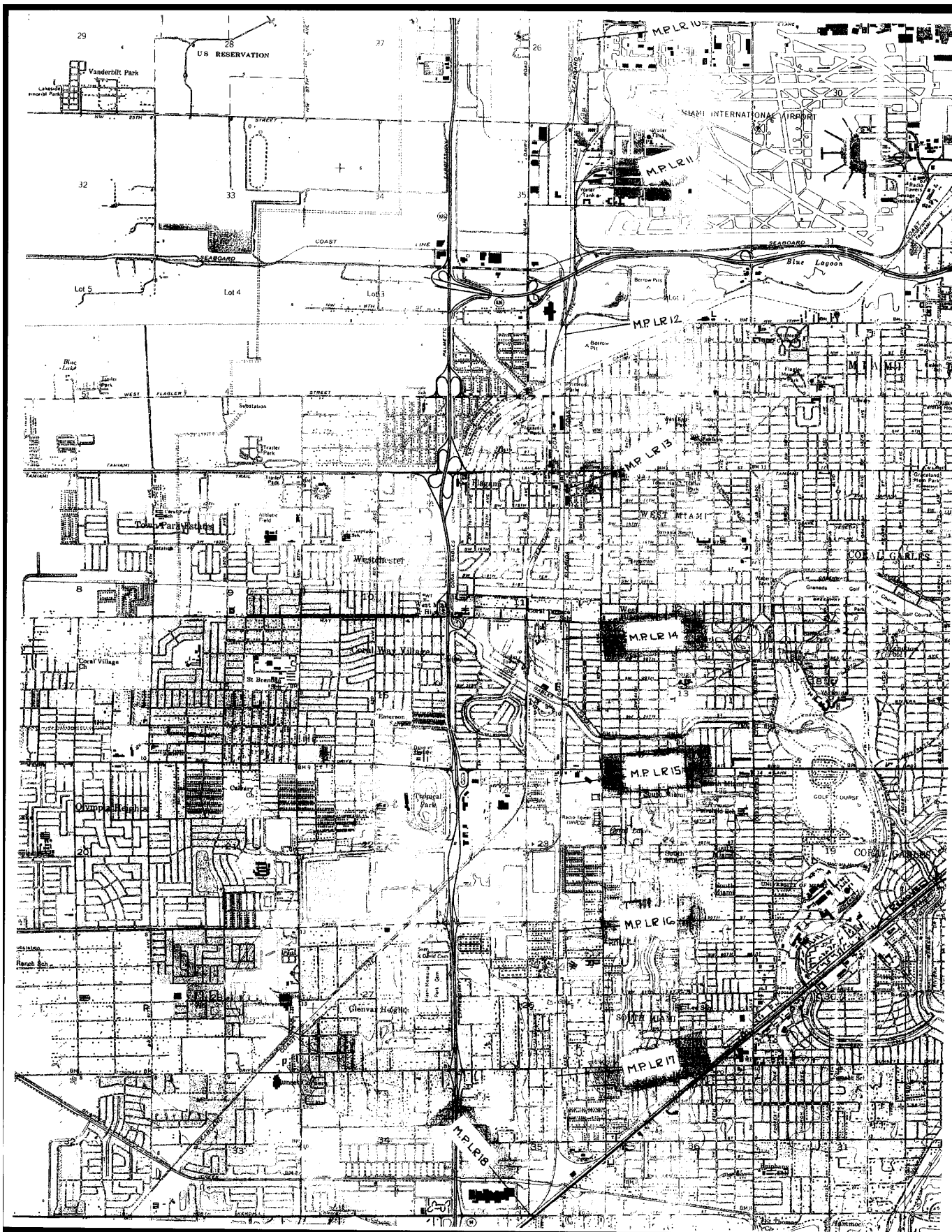
If you have any questions or need additional information, please call me at 904-826-2264.

Sincerely,  
  
Marlene Hammock  
Assistant Secretary

Enc.

# **APPENDIX 1**





## **APPENDIX 2**



February 25, 2005

Laura A. Kammerer  
Historic Preservationist Supervisor  
Compliance & Review Section  
Bureau of Historic Preservation  
Florida Department of State  
Room 402  
500 South Bronough Street  
Tallahassee, FL 32399-0250

Re: Florida East Coast Railway, L.L.C./Abandonment Exemption

Dear Ms. Kammerer :

Florida East Coast Railway, L.L.C. ("FEC") is considering abandoning portions of two of its branch railroad lines. These lines include:

(1) FEC's Titusville Branch line running from milepost TB 0.00 in the City of Titusville, Brevard County, Florida in a northerly then northwesterly direction to an end-of-track at milepost TB-9.8, Aurantia, Brevard County, Florida (the "Titusville Branch"), a distance of approximately 9.8 miles. The Titusville Branch has not been used to handle any rail traffic for more than two years; and

(2) a portion of the South Little River Branch line extending from milepost LR-13 south to an end-of-track at milepost LR-18.00, Kendall, Dade County, Florida (the "Little River Branch"), a distance of approximately 5 miles. The portion of the Little River Branch from milepost LR-15.5 to milepost LR-18.00 has not been used to handle any rail traffic for more than two years.

Maps showing the locations of these branch lines are attached for your reference.

The proposed abandonment of these rail lines requires the prior approval of the U.S. Surface Transportation Board ("STB") pursuant to 49 U.S.C. §10903 *et seq.*, or an exemption from those provisions pursuant to 49 U.S.C. § 10502. In connection with obtaining such approval or exemption, FEC is required by 49 C.F.R. §§ 1105.7 and 1105.8 to prepare an Environmental and Historic Report that must include, *inter alia*, the following information:

"An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4) and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultation with the State Historic Preservation Office, local historical societies or universities." 49 C.F.R. § 1105.8(d)(7).

It is FEC's current intention after the abandonment to remove the track material, such as rail and ties, but to leave the underlying bed intact. There are no buildings or other like structures on the lines, other than a small trestle bridge over a culvert on the Little River Branch approximately 9 feet in length that was built in the 1950's, originally with wood stringers and 90# rail, and is now made of steel stringers with 112# rail. Based upon available information, FEC does not believe that there is any site or structure involved in the proposed abandonment that meets the criteria for listing on the National Register of Historic Places. Further, FEC does not believe that there are any archeological resources or any other previously unknown historic properties in the area of the proposed abandonments.

We would appreciate any comments that you might have on this matter at your earliest convenience. In accordance with the STB's regulations, a copy of the Environmental and Historic Report will be forwarded to you at least twenty (20) days before FEC's exemption request is filed with the Board.

If you have any questions or need additional information, please call me at 904-826-2264.

Sincerely,



Marlene Hammock  
Assistant Secretary

Enc.



FLORIDA DEPARTMENT OF STATE  
Glenda E. Hood  
Secretary of State  
DIVISION OF HISTORICAL RESOURCES

Ms. Marlene Hammock  
Florida East Coast Railway, L.L.C.  
P.O. Drawer 1048  
St. Augustine, Florida 32085-1048

March 25, 2005

RE: DHR Project File Number: 2005-2385  
Received by DHR February 28, 2005  
Surface Transportation Board - Abandonment Exemption  
▪ Titusville Branch Line- Milepost TB 0.00 to TB 9.8  
▪ South Little River Branch - Milepost LR 13 to LR 15.5  
Brevard and Miami-Dade Counties


Dear Ms. Hammock:

Our office received and reviewed the above referenced project in accordance with Section 106 of the *National Historic Preservation Act of 1966*, as amended and *36 CFR Part 800: Protection of Historic Properties*. The State Historic Preservation Officer is to advise Federal agencies as they identify historic properties (listed or eligible for listing, in the *National Register of Historic Places*), assess effects upon them, and consider alternatives to avoid or minimize adverse effects.

We have reviewed the Florida Master Site File and our records and no historic properties are known to exist in the areas of potential effect. We look forward to reviewing the "Environmental and Historic Report" in order to complete the process of reviewing the impact of this proposed undertakings on historic properties.

If you have any questions concerning our comments, please contact Scott Edwards, Historic Preservationist, by electronic mail [sedwards@dos.state.fl.us](mailto:sedwards@dos.state.fl.us), or at 850-245-6333 or 800-847-7278.

Sincerely,

 *Laura R. Kammerer, Deputy SHPO*  
Frederick Gaske, Director, and  
State Historic Preservation Officer

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